

## **REMARKS**

### Interview Summary

A telephone interview was conducted between Examiner James M. Hewitt and Applicant's attorney, Ken Smith on December 29, 2009. Applicant's attorney requested clarification of the Notice of Non-Compliant Amendment mailed December 17, 2009. Examiner Hewitt requested that that Applicant cite the claim language of each of the independent claims (claims 31, 41, and 45) in the section of the "Remarks" that addresses the new claims. Applicant's attorney agreed to make the suggested change to the section of the "Remarks" that addresses the new claims and to provide a clean copy of the Abstract in the "Amendments to the Abstract" section of the response. Other than these two changes, this response is substantively identical to the response filed on September 8, 2009.

### Claim Status

By this amendment, claims 1, 8, 11, 12, 14, 17 and 19 are amended, claims 9, 10, 15, 16 and 21-33 are canceled without prejudice or disclaimer, and new claims 34-47 are added. Claims 1-8, 11-14, 17-20 and 34-46 are pending.

### Information Disclosure Statement

A portion of the disclosure of the present application is also disclosed in commonly owned U.S. Patent Nos. 7,393,018 (herein "the '018 patent") and 7,416,225 (herein "the '225 patent"). The cited references referred to on page 2 of the Office Action were cited in the "'018 and '225 patents. Applicant cited the references referred to on page 2 of the Office Action in order to ensure that Applicant has met its burden of disclosing information that may be material to patentability. Applicant's attorney, Ken Smith, has reviewed the drawings of the Japanese and Korean documents referred to on page 2 of the Office action and does not believe that the Japanese and Korean documents are material to the patentability of the claims of the present application as currently amended. The documents identified in the last paragraph of page 2 of the office action all have a publication date that is more than one year prior to the filing of the present application.

Specification

The portion of the abstract that related to the non-elected method has been deleted by this amendment. The claim term “means for exerting” has been deleted by this amendment.

Claim Rejections - 35 U.S.C. §112

As amended, claims 11-14 and 19-20 do not include means-plus-function elements.

Claims 15 and 16 are cancelled.

Claim 19 has been amended to recite “at least one surface of the first and second coupling members.”

Applicant respectfully submits that the pending claims meet the requirements of 35 U.S.C. §112.

Claim Rejections - 35 U.S.C. §102

The Office Action rejected claims 1-8, 10-14, 16-20 and 22 as being anticipated by United States Patent No. 1,261,254 to McWane (herein “McWane”). The Office action rejected claims 1-9 and 11-15 as being anticipated by United States Patent No. 3,404,902 to Latham et al., (herein “Latham et al.”).

Applicant respectfully submits that amended claim 1 is not anticipated by McWane or Latham et al., because amended claim 1 recites features that are not disclosed by McWane or Latham et al. For example, amended claim 1 recites that a tube gripping device that engages a tube to form a tube grip and seal is formed as one piece with one of the first and second flanged members. In the joint for cast iron pipe disclosed by McWane, the lead ring 8 is separate from the ring shaped gland 11. In the connection disclosed by Latham et al., there is no tube at all to be gripped or sealed. Applicant respectfully submits that amended claim 1 is in condition for allowance.

Claims 2-8 depend from claim 1 and are allowable for at least the reasons that claim 1 is allowable.

Applicant respectfully submits that amended claim 11 is not anticipated by McWane or Latham et al., because amended claim 11 recites features that are not disclosed by McWane or Latham et al. For example, claim 11 recites a ferrule formed as one piece with a clamped coupling member. Applicant respectfully submits that amended claim 11 is in condition for allowance.

Claims 12-14 depend from claim 11 and are allowable for at least the reasons claim 11 is allowable.

Applicant respectfully submits that claim 17 is not anticipated by McWane or Latham et al. McWane and Latham et al. do not disclose a coupling member and ferrule formed as one piece that is clamped with a tapered clamp. Claim 17 is in condition for allowance.

Claims 18-20 depend from claim 17 and are allowable for at least the reasons claim 17 is allowable.

#### New Claims

Applicant respectfully submits that new claims 34-47 are patentable over the McWane and Latham et al. patents because new claims 34-47 recite elements that are not disclosed or suggested by McWane or Latham et al. For example, independent claim 34 recites:

said tube gripping device engaging and plastically deforming said tube to form a tube grip and seal when said first and second flanged members are drawn together.

In McWane, the lead ring 8, is, as the name suggests, made from lead and the spigot 4 is a cast iron pipe. Clearly, the lead ring 8 will not plastically deform the spigot. In Latham et al., there is no tube for a tube gripping device or ferrule to plastically deform.

Similarly, claim 41 recites:

such that the ferrule plastically deforms the tube to grip and seal the tube.

And claim 45 recites:

a tapered clamp for generating axial force between said first and second coupling members to move said ferrule to plastically deform the tube.


Claims 34, 41 and 45 are in condition for allowance.

Claims 35-40 depend from claim 34, claims 42-44 depend from claim 41, and, claims 46-47 depend from claim 45 and are in condition for allowance for at least the reasons claims 34, 41 and 45 are allowable.

Should the Commissioner decide that any fee or fee deficiency is due, the Commissioner is hereby authorized to charge any and all such other fees incurred as a result of entering this amendment and response to deposit account number 03-0172, order number 22188/07113.

Respectfully submitted,

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